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ABSTRACT

Asserting that in Maine and across the nation, school buildings are becoming increasingly plagued with indoor air quality (IAQ) problems which contribute to a variety of illnesses in children and adults, this report from a Maine state legislative task force identifies appropriate policies and identifies actions necessary for the prevention and resolution of indoor air quality problems in Maine schools. The report summarizes the task force's activities, including its review of state and national standards, and offers several recommendations, including establishment of a state-level, multi-agency IAQ Response Team to oversee and facilitate current state guidelines on the issue. (EV)

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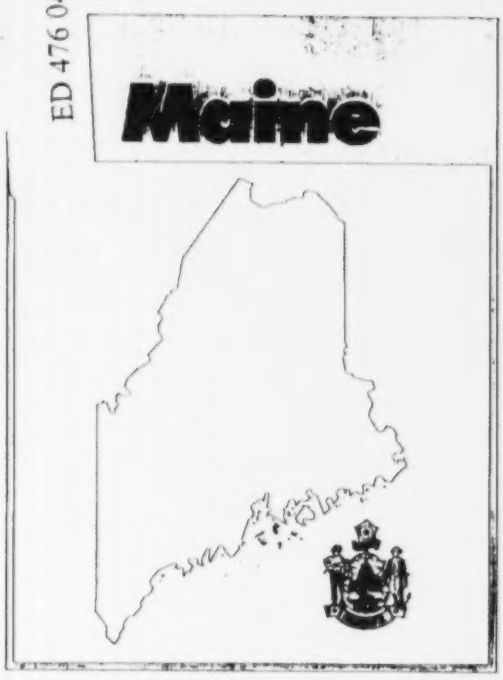

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INDOOR AIR QUALITY IN MAINE SCHOOLS

TASK FORCE to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools

A Report Submitted to

The Joint Standing Committee on Education and Cultural Affairs

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
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December 2001

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Report of the Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools

INTRODUCTION

Outside of the home, the school building is the single most important environment in a child's life. School-age children spend a significant amount of time in a school building. Unfortunately, in Maine and across the nation, school buildings are becoming increasingly plagued with indoor air quality (IAQ) problems which contribute to a variety of illnesses in children and adults. The adverse health effects associated with poor indoor air quality in schools is a serious public health issue and, equally, a critical educational opportunity issue. Poor indoor air quality in schools can contribute to chronic, long-term diseases, resulting in high absentee rates directly impacting a child's ability and opportunity to learn.

The Maine State Legislature has invested unprecedented funds in the construction and renovation of school buildings and has demonstrated (through LD 945, A Resolve to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools) further commitment to assuring that this investment guarantees that schools in Maine are safe and healthy environments in which all Maine children can learn and achieve.

This report identifies appropriate policies that exist and identifies actions necessary for the prevention and resolution of indoor air quality problems in schools.

The Task Force convened for nine (9) meetings between October and December 2001 to respond to the charge put forth in LD 945: A Resolve to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools to address its charge. The following is a summary of activities undertaken by the Task Force, and includes findings, conclusions, and recommendations.

Sec. 5. Duties. Resolved: That the task force shall examine the following issues concerning the establishment and implementation of indoor air quality standards for school facilities:

1. **The current status of indoor air quality standards or guidelines for school facilities within the state systems for inspecting and approving the construction or renovation of school facilities, including the building standards codes and other applicable laws and rules;**

The Task Force:

- Reviewed information and standards, guidelines, and laws of various agencies and organizations that address school air quality and discussed the report from the Maine Indoor Air Quality Council (MIAQC) Task Force on School Air Quality. Task Force members researched all applicable policies for review.
- Received presentations on the process related to the approval of projects for the construction and renovation of school facilities from Department of Education

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staff who are conversant with school design and construction codes, regulations, standards and processes. Discussions on the subject areas with the Department of Education staff followed the presentations, which enabled the task force members to gain additional insight.

- Received presentations by staff from the Bureau of General Services who are conversant with school design and construction codes, regulations, standards and processes. Discussion on the subject areas with the Bureau of General Services staff followed the presentations, which enabled the task force members to gain additional insight.

- Received a presentation by staff from the Maine Department of Environmental Protection on the subject of outdoor air quality (ambient air) and its potential negative effects on indoor air quality. A discussion on the programs established by the Department of Environmental Protection that analyze and evaluate ambient air followed the presentation, which enabled the task force members to gain additional insight and relate this to the realm of indoor air quality.

- Received a presentation from and engaged in discussion with a representative from a company involved with school construction/renovation, to determine how current standards are being applied. This consultant, a member of a national ventilation standards setting organization, was able to share that organization's approach/viewpoint to these matters.

- Received a presentation from and had a discussion with representatives from the Coordinated School Health Program regarding the components of that program

that address indoor air quality in schools, including existing standards, and activities/methods that are undertaken at the local level for ensuring healthy air in schools.

- Received a presentation from and had a discussion with representatives from the American Lung Association of Maine regarding indoor air quality in schools, existing standards, and activities/methods for ensuring healthy air in schools such as EPA's "Tools for Schools."

- Received a presentation by staff from the Maine Department of Environmental Protection on the "Maine Green Schools" program. "Maine Green Schools" is a partnership of the Maine Energy Education Program, the Maine Department of Environmental Protection, American Lung Association of Maine, the Public Utilities Commission, and the Department of Economic and Community Development. Green Schools are schools that make a commitment to addressing energy and air quality in schools.

- Conducted literature and law searches for additional guidance that might be applicable to IAQ in schools and identified guidance documents that will become available to Maine in the near future.

- Obtained for review a draft document comparing states' school air quality legislation, regulations, and standards. This document was reviewed for confirmation of the existing Maine laws, regulations, and standards pertinent to indoor air quality.

- Determined through research that there is confusion between existing statute and regulations which in some cases reference specific, dated, standards and codes rather than the most current versions of those codes and standards. These discrepancies can lead to a weakened legal position in oversight of new construction and renovation as well as make inefficient use of limited resources as each project is reviewed for standard and code compliance.

- Determined through research that Maine's local health system has not been a primary agency in addressing school IAQ concerns, and that local health officers often do not realize they have authority in this area. This circumstance limits a school district's ability to respond locally to indoor air quality and health concerns.

- Determined through research that Maine does not have a formal system in place to ensure the incorporation of energy efficiency standards in new construction and renovation projects. Failure to incorporate such standards could have an adverse effect in IAQ.

- Appropriate technical staff from Department of Education, Bureau of General Services, Bureau of Health, Department of Education, and Department of Environmental Protection attended all task force meetings serving as resources to present information and identify and clarify issues.

- In addition to attending formal meetings of the Task Force, members and technical staff also attended a variety of seminars, workshops, and other programs related to IAQ in schools during the timeframe of the Task Force's work (October – December 2001). These include:

- Centers for Disease Control sponsored symposium "The Impact of Mold in Health and Indoor Air Quality". Atlanta, Georgia.
- Maine Indoor Air Quality Council workshop "Help! I Need an IAQ Test...or Do I?". Augusta, Maine
- Maine Indoor Air Quality Council training for School Speakers Service. Augusta, Maine
- American Lung Association of Maine sponsored Model Coordinated School Walkthrough. M.S.A.D. #22, Hampden, Maine
- Environmental Law Institute and Environmental Protection Agency working session -- "Indoor Air Quality Workshop for State and Local Officials". Alexandria, Virginia
- Seminar on "Building Strategies for New England," sponsored by Affordable Comfort, Inc. Sturbridge, Massachusetts
- "2001 International Radon Symposium" and "11th National Radon Meeting". Daytona Beach, Florida

These professional development activities proved invaluable and timely to the Task Force. The information acquired through participation in these activities, from presentations by experts, and through research confirmed that Maine has sufficient laws and regulations in place for the management of IAQ in existing in buildings but is lacking in requirements and oversight policies for the design, construction, and renovation of school buildings.

An analysis of existing laws and regulations suggests that the single most important factor influencing healthy IAQ in existing schools is compliance with these laws and regulations. This analysis further suggests that essential to compliance is a strong oversight network that involves local code, health and safety officials who cooperate with state agencies in a coordinated manner on behalf of schools. Compliance would significantly reduce the number and severity of structural, infrastructural, and operational conditions and failures that have lead to the majority of indoor air quality problems in schools. Applicable statutes refer to requiring maintenance plans for schools, inspection of facilities, and capital improvement plans as well as provide for incentives, support, and consequences for non-compliance. Ensuring compliance with existing law will require the appropriation of additional resources for education and support to local schools through a coordinated state and local effort. (See Appendix A)

2. **The indoor air quality guidelines for the design and construction of schools established by the Indoor Environments Division of the United States Environmental Protection Agency;**

The Task Force requested a copy of the draft guidelines for the design and construction of schools from staff of the Indoor Environments Division of the United States Environmental Protection Agency (US EPA). Unfortunately, US EPA staff felt the draft was not yet ready to be released for review by anyone outside that agency and it would not be available until well after the work of the Task Force has been completed. Visits to the EPA website, and a review of pertinent EPA publications, by Task Force members and technical staff, yielded little general assistance for IAQ problems in schools. The EPA addresses IAQ within the larger context of indoor environments that includes air, light, sound, materials, ergonomics, and specific pollution sources (mercury and hazardous chemicals) and promotes programs to respond to specific hazards (laboratory chemical disposal, mercury containing products disposal, school bus fumes, etc). The only comprehensive IAQ guidance provided by the EPA at this time is the "Tools for Schools" program which is a valuable resource being used by many schools in Maine.

In the absence of EPA's IAQ guidance for the design and construction of schools, the Task Force looked to the Maine Department of Education and the Bureau of General Services to review existing codes, regulations, and processes for new school

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construction and renovation. The Task Force had difficulty in referencing applicable statues and regulations. Portions of various agencies' rules or policies reference IAQ. However, they are not necessarily current, some are conflicting and in some instances codes are more current than statue. For example, current Maine law references specific, dated, codes or standards (such as ASHRAE—62–1989) rather than referencing the "most current" code. This reference to a specific dated standard allows the possibility for newly constructed or renovated schools to be designed to an outdated code or standard. This can result in substandard indoor air quality in new buildings.

These circumstances suggest that a comprehensive audit of existing statutes, codes, and standards needs to be undertaken and appropriate revisions proposed. In so doing, the process by which schools are designed and constructed would be improved further ensuring that newly constructed and renovated schools provide healthy learning environments.

3. The best practices and guidelines for promoting indoor air quality in schools recommended by the Task Force on School Air Quality and endorsed by the Maine Indoor Air Quality Council;

The Task Force reviewed and discussed the "Task Force on School Air Quality Report " and carefully considered the recommendations in the Report for relevance to the charge of this Task Force. This Task Force benefited from the experience of two members who were also members of the MIAQC task force and were able to elaborate on the elements discussed in the report. It was agreed that, while the MIAQC task force document contains many strong recommendations which this Task Force endorses, there are additional considerations surrounding IAQ in schools. Examples of this include:

- Exterior pollutants will influence indoor air quality,
- The drawing of school bus and other vehicle emissions into a school building must be avoided,
- Mechanical systems must be designed and located to avoid the introduction of exterior pollutants into the building or reentrainment of exhausted pollutants from the building, and
- Mechanical systems must be designed and located to facilitate maintenance and repair.

The Task Force thoroughly reviewed a draft of a, soon to be released, national report which reviews states' policy strategies for improving indoor air quality in schools. In this report Maine ranks very high in its laws governing maintenance plans and practices. Maine also ranks high in its laws governing school inspection programs, and very high in its laws governing maintenance spending oversight. It is significant to note, however, that given the excellent rankings in the above areas, Maine does not rank (is not listed) in the category of "Establishing Regulatory Requirements for Design and Construction."

Given Maine's lack of such regulations and requirements for school design and construction, and in as much as poorly designed and constructed facilities can contribute to immediate IAQ problems, even at the point of initial occupancy, the Task Force strongly endorses the following recommendations of the Task Force on School Air Quality:

A. ***Every School building should be commissioned and maintained to ensure that fully functional systems are properly operated throughout the useful life of the building. All efforts related to commissioning should be specified in the contract documents.***

B. ***The process of maintaining healthy indoor air quality in schools is a collective responsibility. The best means for meeting this objective is through the establishment of cross-disciplinary teams with a designated indoor air quality manager. At a minimum, these teams should consist of a school administrator, school nurse, facilities manager, and teacher. The PA "Tools for Schools" Acton Kit provides guidance for the functioning of these teams.***

The complexity of today's school designs, systems, and program offerings bring inherent and potential IAQ problems that can be both avoided and mitigated through a commissioning process. Proper commissioning can reduce the number and severity of issues that are likely to arise and provides a mechanism for the resolution of problems that might not otherwise be discovered until they surface later. Appropriate commissioning reduces the likelihood that a school district will experience a catastrophic system failure or serious IAQ problems in newly constructed or renovated schools.

4. **The relationship between existing staffing levels in state agencies and the ability to regulate the construction, renovation and maintenance of school facilities to provide healthy and productive learning environments, including the capacity of state agencies to inspect and determine the extent to which existing and new school facilities meet existing or proposed indoor air quality standards for school facilities;**

Maine addresses IAQ through a number of agencies which each have individual policies and programs. Multiple state agencies have responsibility for different facets of regulatory compliance (as well as education, support, and oversight) surrounding school indoor air quality. The numbers and types of programs can sometimes overlap and in some cases complicate the prevention of and response to IAQ issues. The Department of Education's school approval process, the Department of Education and Bureau of General Services' Facilities Management Template, and the multi-department Coordinated School Health Program are the major programs which attempt to bring all of the school IAQ issues to the fore. In addition, the American Lung Association of Maine offers a program that works with schools on IAQ issues in a coordinated manner and the Maine Department of Environmental Protection offers the "Maine Green Schools" program promoting energy conservation and indoor air quality in schools.

The number of new schools and major renovation projects that are overseen by the Department of Education and Bureaus of General Services has increased dramatically

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in recent years. In addition, each of these agencies; the Departments of Labor, Human Services, Education, Environmental Protection, Agriculture, and Administration and Financial Affairs each have authority for various aspects of school IAQ. These agencies are limited, however, in their capacity to respond to the myriad issues associated with IAQ in schools due to inadequate resources and the lack of coordination of efforts between state agencies. In addition, the Task Force recognizes that local code, health and safety officials have a greater role to play in indoor air quality in schools than has been expected of them in the past. These officials, whose statutory authority to serve as the first line of response in matters pertaining to local health and safety issues, including IAQ in schools, must be included in coordinated efforts.

Despite the efforts and resources currently committed to address school IAQ by state and non-government agencies, school IAQ problems are increasing exponentially. The complexity of issues, the inexact science surrounding IAQ, and the number of agencies which need to be involved fragments the response to school needs. No one agency has the staff or resources to adequately address the ever-increasing complexity of IAQ issues in new construction and existing schools. Coordinating this effort across all agencies with local code, health and safety officials, and with non-government agencies and programs is imperative if we are to maximize limited resources and protect the health and welfare of Maine school children.

5. **The advisability of establishing indoor air quality standards for school facilities within the State or adopting the indoor air quality guidelines for the design and construction of schools established by the Indoor Environments Division of the United States Environmental Protection Agency, including the roles and responsibilities of state agencies and local education agencies in implementing and enforcing state standards and the possible benefits and detriments for students and education personnel in school facilities; and**

The individual and collective experience and expertise brought to the task by members of the Task Force, combined with the technical knowledge provided by individuals from the Bureau of General Services, Bureau of Health, Department of Education and Department of Environmental Protection, as well as the information received from a variety of organizations and agencies proved invaluable in the research, study and issuance of recommendations surrounding indoor air quality in schools. During each meeting of the Task Force, discussions included the advisability of establishing or adopting indoor air quality standards or guidelines for schools. Existing indoor air quality standards, regulations and policies were reviewed as to what they meant, within which agency or entity they held "legal residence," and how each was applicable to different environments (indoor, outdoor, water). In addition, resource and capacity issues were studied with regard to the state's ability to collect and assess samples of contaminants against different standards, and the infrastructure and training that would be necessary to appropriately sample air contaminants. Ultimately it was

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determined that not only is the science unresolved regarding the many different contaminants that contribute to indoor air quality but the guidance available at this time is insufficient to support the setting of meaningful standards for any particular contaminant that is not already referenced in an existing law or regulation. Also, as noted earlier, the Environmental Protection Agency has not finalized guidance in this area. Therefore, the possible benefits and unintended consequences of implementing and enforcing state standards are indeterminate at this time. Additionally, there is some question regarding the validity of some existing standards. For example, the current standard for acceptable levels of carbon dioxide concentration is 1000 parts per million. In some areas, the outdoor (ambient air) concentration can approach this level. Since multiple contaminants contribute to indoor air quality a more "holistic" assessment of the conditions would be necessary. Therefore, the Task Force is not advising the establishment of IAQ standards for individual pollutants, but rather the application of recognized performance standards for all building systems that are designed to minimize and mitigate indoor air quality issues.

6. Recommendations

The following recommendations represent critical elements for consideration in the development of a plan to meet the challenge of improving indoor air quality in Maine Schools:

- Establish a state-level, multi-agency Indoor Air Quality Response Team by
    - The creation of one IAQ coordinator position within the Department of Human Services, Bureau of Health, Division of Health Engineering
    - The creation of one IAQ coordinator position within the Department of Administration and Financial Affairs, Bureau of General Services

The dedication of agency personnel to IAQ in schools will enable the following state and local actions:

I. COORDINATION

a. Identify appropriate state resources across all appropriate agencies/stakeholders for the review of and response to IAQ problems in schools, including energy concerns and outside (ambient) air.

b. Develop a multi-agency IAQ education campaign.

c. Provide training to local community health officials in IAQ matters in schools.

d. Identify a facility manager in every Maine school district.

e. Collaborate with American Lung Association of Maine on training and school site visit "walk throughs".

f. Establish partnerships with the Coordinated School Health Program schools.

g. Assist in the monitoring of school maintenance plans.

h. Assist in the monitoring of school energy audits.

i. Direct appropriate agency or agencies to undertake a study of the effects of school bus and other vehicular emissions on indoor air quality.

j. Focus collective energies on education, support and prevention activities rather than the pursuit of scientific standards.

II. SCHOOL OPERATIONS AND MANAGEMENT:

a. Identify materials used in schools such as furniture and floor and wall coverings, and cleaning agents/chemicals that emit gases and toxins that negatively impact air quality.

b. Recommend the use of "green materials" in place of those which cause reactions to individuals with sensitivity to such.

c. Require all IAQ projects supported by the Revolving Renovation fund to use "Tools for Schools" and to incorporate use of "Tools for Schools" into the Maine School Facilities Maintenance Plan.

d. Require districts to restrict instruction in spaces with poor IAQ and use only spaces which comply with all applicable codes.

e. Recommend that all districts be required to develop anti-idling policies related to school buses and other vehicles near school buildings.

f. Recommend that districts establish policies on exposure issues to include minimizing the introduction of foreign materials (plants, animals, perfumes) into the school environment.

g. Require that all portable classrooms/facilities adhere to applicable standards and code.

h. Report energy system renovations and changes that effect air flow, distribution of air and humidity.

III. MAJOR CAPITAL IMPROVEMENT PROGRAM

a. Prepare a listing of preferred building materials for new school construction and renovations.

b. Conduct a comprehensive audit of existing statutes, codes, and standards and where necessary strengthen regulations regarding IAQ in new school design and construction and renovations.

c. Consider the quality of the ambient air and potential air pollutant sources in the site selection process for new school construction.

d. Require adherence to IAQ standards during construction, particularly if construction must be done while a portion of the facility is occupied.

e. Develop IAQ checklist for new school construction that includes energy efficiencies.

f. Locate air intake systems away from bus loops, delivery areas, and other sections of the facility that might draw pollutants into the school.

g. Study the feasibility of requiring that all physical plant systems, including heating, plumbing, ventilation and air conditioning, be properly commissioned prior to occupancy to ensure that they operate as intended.

h. Study the feasibility of requiring proper building recommissioning of renovated school facilities.

IV. EDUCATION IMPERATIVES

a. Develop a multi-faceted/multi-phased information and training program for school administrators, faculty, and facility managers and local code, health and safety officials.

b. Provide information seminars for architects and engineers related to IAQ and energy conservation in schools.

c. Recommend that Maine college and university programs that prepare school superintendents and principals include curriculum related to school facility construction and management.

d. Develop education programs, in cooperation with American Lung Association of Maine, on use and implementation of the US EPA "Tools for Schools Program" and the American Lung Association of Maine Lung Healthy Schools programs.

e. Provide annual " Back to School" meeting for school leaders surrounding all issues related to IAQ.

f. Broadcast the Bureau of General Services IAQ Protocol annually to schools.

g. Develop and disseminate an IAQ manual for schools that identifies the various services available, areas/agencies with responsibility, types and levels of service/response available.

CONCLUSIONS

A review of the issues concerning the establishment and implementation of Indoor Air Quality standards or guidelines for school facilities revealed that not only is the science unresolved regarding the many different contaminants that contribute to poor indoor air quality, but the guidance available at this time is inadequate to support the setting of meaningful standards for any particular contaminant. However, Maine's existing laws, regulations and programs discussed in this report do represent guidance for the development of policies and the establishment of practices for the prevention of Indoor Air Quality (IAQ) problems in schools and the resolutions of problems if and when they occur. Currently, a number of state agencies have policies dealing with indoor air quality. However, the policies are few as they relate to IAQ and school design and focus primarily on existing situations rather than on preventative measures for newly constructed or renovated schools.

An analysis of the strengths and weaknesses in the current implementation of various state IAQ policies suggests a number of important considerations for improvements in this area. First, it is important that state policies take into account the need for state agencies to provide support to local agencies in the form of education, training and technical assistance. Given the wide range of issues that must be considered when addressing IAQ problems, few school districts and local code, health, and safety officials can implement IAQ policies and practices effectively without

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additional education or training for key personnel. It is critical that state agencies provide appropriate resources for the education and training for key personnel.

Second, policies should provide for the development of mechanisms and allocation of resources to support state oversight. Current resource levels are inadequate to effectively address IAQ issues in schools. Adequate capacity at the state level is necessary in order to ensure that state policies are carried out, whether these policies call for direct state action such as conducting IAQ investigations in schools, providing training and the dissemination of information, approving school construction designs or for supporting responsibilities at the local level such as implementing maintenance plans and meeting school maintenance standards.

Third, state policies must consider the respective role of different state agencies in addressing indoor air quality in schools. The Department of Education, the Department of Human Services, the Bureau of General Services, the Department of Environmental Protection and other state agencies all contribute in important but separate and unique ways. However, no coordinated approach exists between and among state agencies for addressing indoor air quality in schools. The absence of a coordinated effort among these jurisdictions has caused confusion at both the state and local levels and resulted in inconsistent, fragmented, and in some cases, ineffective responses and service. A coordinated State level program must be established, which draws on the respective expertise of state officials and strengths of key state agencies, for assisting schools in the prevention of indoor air quality problems.

There is no "one-size-fits-all" policy, procedure, or standard for addressing IAQ in schools. It is hoped that approaches discussed herein and the recommendations put forth by the Task Force be taken into consideration in the development of state and local policies and potential legislation.

The Task Force understands that today there are many competing demands for state funds and that the creation of a coordinated state-level program for the sole purpose of addressing Indoor Air Quality in schools may not be feasible at this time. However, we submit that such an investment now is critical to ensure that the extraordinary investment, made by the Legislature and the public, in school facilities is protected; that this investment will serve to maximize limited state resources to levels that will enable state and local agencies to better serve Maine schools. Most important, this investment represents the state's commitment to all children who attend Maine schools -- they will be provided safe and healthy learning environments which support their social and emotional well being and their academic performance and achievement.

Appendix A

References:

- Maine Indoor Air Quality "Task Force on School Air Quality" January 2001
- US Environmental Protection Agency "Tools for Schools" August 2000

  "The goal of this Kit (Tools for Schools) is to provide clear and easily applied guidance that will help prevent indoor air quality problems and resolve such problems promptly if they do arise."

Laws:

- Maintenance and Capital Improvement Program (Facilities Management Template), 20A MRSA 4001 and 15918
- Revolving Renovation Fund, 30A MRSA 6006
- Major Capital Improvement Program, 20A MRSA 15903
- Portable Classrooms, 20A MRSA 15603
- Application of Minimum Ventilation Standards, 5 MRSA 1742
- School Building Ventilation, 20A MRSA 6302
- Life Cycle Costs, 5 MRSA 1762 and 1764
- Indoor Air Quality Assessment, 5 MRSA 1742
- School Approval and Penalties, 20A MRSA 4501
- Local Health Officer 22 MRSA 454, 20A MRSA 6801
- School Construction, 20A MRSA Chapter 609

Appendix B

Task Force Membership

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Task Force

to
Examine the Establishment and Implementation
of
State Standards for Indoor Air Quality
in
Maine Schools 2001

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Appendix C

- Resolve, to Establish a Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools

APPROVED
JUN 8 '01
BY GOVERNOR

CHAPTER
50
RESOLVES

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ONE

H.P. 725 - L.D. 945

Resolve, to Establish a Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools

Emergency preamble. Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this resolve establishes the Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools; and

Whereas, this resolve is necessary as an emergency measure to afford adequate time for the issues to be appropriately addressed by the task force; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Task force established. Resolved: That the Task Force to Examine the Establishment and Implementation of State Standards for Indoor Air Quality in Maine Schools, referred to in this resolve as the "task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 4 members appointed as follows:

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1. One representative of the Department of Education, appointed by the Commissioner of Education, with knowledge of the State's laws and rules related to the construction and renovation of school facilities;

2. One representative of the Bureau of General Services within the Department of Administrative and Financial Services, appointed by the Commissioner of Administrative and Financial Services, with knowledge of the State's laws and rules related to the construction and renovation of school facilities;

3. One representative of the Bureau of Air Quality within the Department of Environmental Protection, appointed by the Commissioner of Environmental Protection, with knowledge of federal and state laws, regulations, standards and guidelines related to indoor air quality in public facilities; and

4. One representative of the Bureau of Health within the Department of Human Services, appointed by the Commissioner of Human Services, with knowledge of federal and state laws, regulations, standards and guidelines related to indoor air quality in public facilities; and be it further

Sec. 3. Chair. Resolved: That the Governor shall appoint the chair of the task force from among the members; and be it further

Sec. 4. Appointments; convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Governor once all appointments have been completed. Within 15 days after appointment of all members, the chair shall call and convene the first meeting of the task force; and be it further

Sec. 5. Duties. Resolved: That the task force shall examine the following issues concerning the establishment and implementation of indoor air quality standards for school facilities:

1. The current status of indoor air quality standards or guidelines for school facilities within the state systems for inspecting and approving the construction or renovation of school facilities, including the building standards codes and other applicable laws and rules;

2. The indoor air quality guidelines for the design and construction of schools established by the Indoor Environments Division of the United States Environmental Protection Agency;

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3. The best practices and guidelines for promoting indoor air quality in schools recommended by the Task Force on School Air Quality and endorsed by the Maine Indoor Air Quality Council;

4. The relationship between existing staffing levels in state agencies and the ability to regulate the construction, renovation and maintenance of school facilities to provide healthy and productive learning environments, including the capacity of state agencies to inspect and determine the extent to which existing and new school facilities meet existing or proposed indoor air quality standards for school facilities;

5. The advisability of establishing indoor air quality standards for school facilities within the State or adopting the indoor air quality guidelines for the design and construction of schools established by the Indoor Environments Division of the United States Environmental Protection Agency, including the roles and responsibilities of state agencies and local education agencies in implementing and enforcing state standards and the possible benefits and detriments for students and education personnel in school facilities; and

6. If appropriate, recommendations for an implementation plan, including the levels of funding and personnel necessary, to provide adequate state oversight so that indoor air quality standards for school facilities may be enforced; and be it further

Sec. 6. Public hearings. Resolved: That, in examining these issues, the task force may hold public hearings to receive comments and collect data from the public; and be it further

Sec. 7. Staff assistance; technical assistance. Resolved: That, upon approval of the Governor, the Department of Education shall provide staff services to the task force. The task force may also seek technical assistance from members of the Task Force on School Air Quality, the Maine Indoor Air Quality Council or any other agency, institution or group that it determines appropriate to support the work of the task force; and be it further

Sec. 8. Report. Resolved: That the task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Education and Cultural Affairs and the Legislative Council by November 15, 2001. The task force is not authorized to introduce legislation. Following receipt and review of the report, the Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 120th Legislature. If the task force requires an extension of time to

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complete its report, it may apply to the Legislative Council, which may grant the extension.

Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

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